

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA, :  
: 09 CR 341 (VM)  
:  
- against - : **ORDER**  
:  
HECTOR RAYMOND PENA, :  
:  
Defendant. :  
-----X

**VICTOR MARRERO, United States District Judge.**

By letter dated August 5, 2019, defendant Hector Raymond Pena ("Hector Pena") requested that the Court appoint counsel to assist him in challenging his conviction pursuant to United States v. Davis, 139 S.Ct. 2319 (2019). (See Dkt. No. 422.) The Court has since construed that request as a timely motion made pursuant to 28 U.S.C. Section 2255, to be held in abeyance until the completion of briefing on similar claims brought by co-defendant Jose Pena. (See Dkt. No. 432).

The Court rules on Jose Pena's claims by separate Order, finding that no further briefing is necessary at this time. Accordingly, the Government is hereby directed to inform the Court of its proposal for further proceedings with respect to Hector Pena's Davis claims within seven days of the entry of this Order. The Clerk of Court is hereby ordered to mail this Order to Hector Pena at Atwater

United States Penitentiary, P.O. Box 019001, Atwater, CA  
95301.

**SO ORDERED.**

Dated: New York, New York  
06 July 2020



Victor Marrero  
U.S.D.J.